

do so, the court must grant the motion.

Although the Court must review the evidence in the light most favorable to the non-moving party, that party is required to do more than simply show that there is some metaphysical doubt as to the material facts. See Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986). Rather, the non-moving party must present specific facts showing there is a genuine issue for trial. See Fed. R. Civ. P. 56(e) (emphasis added). Moreover, [t]he mere existence of a scintilla of evidence . . . will be insufficient; there must be evidence on which the jury could reasonably find for the [non-moving party]. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252 (1986).

The plaintiffs have met their burden of showing a genuine issue of material fact. The plaintiffs set forth affidavits in which they contend that Norman Blanding was not negligent because the defendant's garbage truck was parked in the right lane of the highway and the sun impaired Norman Blanding's vision. These genuine issues of material fact preclude summary judgment for the defendants. Therefore the defendants' motion for summary judgment is denied.

AND IT IS SO ORDERED.



**C . WESTON HOUCK
UNITED STATES DISTRICT JUDGE**

May 3, 2006
Charleston, South Carolina